

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

RACHEL RAJPUT,	:	
	:	CIVIL ACTIONS
Plaintiff	:	NO. 3:15-cv-01079-WJN
	:	NO. 3:15-cv-01595-WJN
v.	:	(JUDGE WILLIAM J. NEALON)
	:	
SYNCHRONY BANK f/k/a GE	:	
CAPITAL RETAIL BANK,	:	
	:	
Defendant	:	

PLAINTIFF'S RESPONSE IN OPPOSITION
TO DEFENDANT'S MOTION TO STAY

Plaintiff, Rachel Rajput, through her undersigned counsel hereby responds to and opposes Defendant's Motion to Stay.

1. On June 1, 2015, Plaintiff filed a Complaint against Defendant in this Court docketed at No. 3:15-cv-01079.

2. On August 14, 2015, Plaintiff filed a separate Complaint against Defendant in this Court docketed at No. 3:15-cv-01595.

3. Both suits allege violations by Defendant of the Telephone Consumer Protection Act ("TCPA").

4. On January 29, 2016, Defendant moved this Court to stay both cases on the basis of two then-pending cases: Spokeo, Inc. v. Robins, 135 S. Ct. 1892

1 (2015) and ACA International v. Federal Communications Commission, Case No.
2 15-1211 (D.C. Cir. Filed July 10, 2015).

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4 5. On March 10, 2016, this Honorable Court granted Defendant's
5 Motion on the basis of the Spokeo case, but denied Defendant's Motion with
6 respect to the ACA International case as moot with leave to re-file.

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8 6. At present, Spokeo has been decided, but the ACA International case
9 is still pending with the DC Circuit.

10 7. Defendant has now renewed its Motion to Stay with respect to ACA
11 International.

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13 8. The Supreme Court's decision in Spokeo has had little to no effect on
14 the landscape of discovery in this litigation and it is hard to see how the ACA
15 International case will be any different.

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17 9. This matter has already sat stagnant for four months waiting for one
18 decision which has had no meaningful effect on the way this litigation should
19 proceed.

20 10. Now, Defendant asks this Court to again stay this case to await the
21 resolution of a case from a circuit court that is not even binding on this Court.

22
23 11. Regardless of the DC Circuit's decision, such holding will be only
24 persuasive authority and this Court is free to consider any argument made to the
25 DC Circuit on its own.

CERTIFICATE OF SERVICE

I hereby certify that I have served upon all persons listed below a true and correct copy of PLAINTIFF'S RESPONSE IN OPPOSITION TO DEFENDANT'S MOTION TO STAY in the above-captioned matter this 26st day of July 2016 via ECF:

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Respectfully submitted,

Dated: July 26, 2016

By: /s/ Craig Thor Kimmel
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